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KING JOHN AND THE NORMAN CHURCH

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No one has ever really doubted the oft-asserted theory that no part of the middle ages can be studied apart from the Christian Church. All-embracing in its influence from the fall of Rome to the Reformation, it is generally conceded to have reached its zenith during the pontificate of Innocent III, not only because of the perfection of its organization at that time but also by reason of its readiness under his leadership to take issue with any or all of the secular powers of Europe over a variety of questions which, in only too many instances, had little obvious connection with the Christian faith. Its ambitions were large but, by methods which were sometimes unscrupulous, they were almost always realized.

At the beginning of the thirteenth century, northwestern Europe was still deeply engrossed in the century-old struggle between France and England for the control of the English lands in France. Under John Lackland, king of England and duke in Normandy, the principal bone of contention between these two great secular powers was Normandy. It was also a potential battleground for the forces of church and state. On the one hand, John had behind him nearly three hundred years of unbroken precedent for the maintenance of his prerogative rights against the claims of the Norman clergy; on the other, Innocent III and his representatives had with them the present power and the future destiny of the church, in addition to the experience gained in many a successful contest of a similar nature in other parts of Europe.¹

Necessarily the two conflicts had many points of contact.² The support of the clergy would have been a material aid in the struggle against Philip Augustus; an undisputed title in his Norman duchy would have put John beyond the reach of his clerical enemies. Indeed it seems clear that by a proper grouping of the various forces which were from time to time

under his control, John might have been victorious against both the French king and the Roman pontiff.³ Neither John nor Philip Augustus, however, fully appreciated the extent of the papal power. The latter was willing to suffer the interdict throughout France rather than arrange his domestic affairs in accordance with the most common rules of morality;⁴ the former continued to exploit financially the clergy, whom he robbed and assaulted with direct violence whenever the occasion presented itself.⁵ Philip Augustus, first to feel the weight of papal censure, was the first to bring himself to formal submission, and, from one point of view, Aquitaine, Maine, Anjou, and Toulouse, as well as Normandy, constituted his reward.⁶ John, on the other hand, having lost in his struggle with Philip, inevitably lost in his struggle with Innocent as well, and in the end held his kingdom as a papal fief, and his crown as a concession from his barons.

Normandy, during the period in which John was its ruler, was the center of both conflicts;⁷ and in both the part played by the clergy was of the utmost importance. They had much to lose in a long-continued military campaign,⁸ but their possessions in England exposed them to reprisals on a large scale on the part of their English overlord. In any case there would be no permanent change of masters in Normandy until they were firmly convinced that such a change would be for their benefit; once that idea was in their minds, there could be no alternative. The growth of that conviction can not be ascribed to any one man or to any one event, but was rather a natural concomitant of the situation in which the Norman Church found itself. It was an institution of a peculiar character, rich and powerful, yet subjected to a very real control by its secular lord, a man who proved himself to be at once faithless, tactless, and exceedingly able.⁹ On the other hand, it was supported in its every assertion of independence by the most powerful pope of the middle ages. Under such circumstances, a survey of the distinctive characteristics of the Norman Church together with an examination of the abilities and careers of some of its more distinguished leaders can not fail to have points of interest not only for the history of the several

political units involved but also for the general problem of church and state.

The Norman clergy, from the time of the council of Lillebonne in the last quarter of the eleventh century, had accustomed themselves to a degree of ducal control not realized elsewhere in Europe in the same period. Because of the fact that the protection of all religious houses and establishments was an exclusive possession of the duke, they had avoided the close dependence upon the feudal lord in the rôle of *avoué* or *vidame* which characterized their colleagues in the rest of Europe, only to bring themselves even more completely under the supervision of their overlord.¹⁰ They could maintain their relations with the pope, whether by means of his legates or by attendance at his councils, only at the ducal discretion. The tradition that the Conqueror had threatened to hang to the highest tree any monk who dared obey a papal legate was still alive after a century and a half.¹¹ Papal legates could not travel through the duchy without ducal permission, much less could they exercise their legatine functions within its borders.¹² On occasion the Norman clergy might be allowed to attend great councils at Rheims and elsewhere, but even then only with the ducal consent, accompanied, it might be, by ducal advice and instructions.¹³

The most important restriction upon the church, however, concerned appointments to ecclesiastical offices. The right of free election existed in name only.¹⁴ In theory the duke proposed, the chapter or monastery elected, and the bishop consecrated; in practice, the clergy ascertained the will of the prince and carried it out.¹⁵ If the theory was allowed to conflict with the practice, a disputed election was the result, and was no infrequent occurrence.¹⁶ In no case, however, did the duke admit the principle involved. Even Henry II, fresh from the spectacular humiliation of Avranches,¹⁷ caused his nominee to be placed upon the archiepiscopal throne.¹⁸ An inquest of the time of Philip Augustus states that the men of that day did not know whether he had acted by right or not, but no one had forgotten the event.¹⁹ Furthermore, the duke claimed the revenues of vacant sees, confiscated the personal property of the

last incumbent, sometimes before breath had left the body, and yielded the regalia to the bishop-elect at his own convenience.²⁰

Taken as a whole, it is hard to see how the Norman Church could have been more completely in the hands of the Norman duke.²¹ In the matter of clerical elections the restrictions were particularly burdensome, although it seems that the duke might well have been considered to have a legitimate interest in them. Here the Norman practice was in direct variance with the theory and even with the fundamental needs of the church. It was to be expected that some one would be found to take up in Normandy the struggle which Gregory VII did not find the opportunity to extend into the Anglo-norman state.

That no outbreak had occurred earlier for the purpose of making the condition of the Norman Church approximate that of the rest of the continent argues well, on the whole, for the wisdom and moderation of her dukes, or, at least, for their ability. Church and state seem to have worked together during a large part of the history of the duchy, and with surprisingly little friction. The two had coöperated in the enforcement of the Truce of God;²² they had settled peacefully, if not with entire mutual satisfaction, the perplexing problem of conflicting jurisdictions, both of person and of subject. The early dukes had called church councils and had enforced their decrees.²³ Even when excessive delay in the clerical courts made ducal interference imperative, care had been taken to protect the financial interests of the clerical officers.²⁴

On the other hand, the Norman Church was a highly privileged institution, however much it might be subjected to ducal control at specific points. Her prelates had always taken a considerable part in the secular affairs of the duchy; their learning, in an illiterate age, made them indispensable for both clerical and legal matters.²⁵ They were in a large measure exempt from military obligations, but not from the feudal payments and military service due from their holdings.²⁶ Church land was held by a special tenure, which was exceedingly advantageous.²⁷ Furthermore, the eight generations which followed the Conqueror had indulged in an ever-increasing stream of benevolent bequests and gifts, each baron striving

with the rest to build for himself and his house an abbey or a church of imposing proportions. With these material gifts came exemptions, valuable financial concessions, special privileges of every kind.²⁸ Crusaders pledged their lands to monastic houses for a modest sum with which to defray the expenses of the voyage and never returned to redeem their possessions, as nearly all of the cartularies of the period will testify. Even the dukes were generous benefactors as well as powerful protectors.

The church, however, was gaining a constitution, as were the contemporaneous monarchical states; the Norman clergy found in the character and activities of John only a convenient occasion for the inevitable struggle. Political causes made the Norman phase of the conflict brief, but it was a phase of great importance not only for the loss of Normandy and for the French monarchy which benefited thereby, but also for England. England saw little else in the decade which followed the loss of the duchy, and the struggle of 1215 was closely connected with it.

Neither Richard nor John, the last of the Anglo-Norman dukes, had any intention of giving up aught of the control which their predecessors had exercised over the Norman clergy, nor did they mean to yield an inch to papal claims which they considered to be incompatible with their honor and with what they were pleased to call the custom of the land.

Richard, although his conduct was far from ideal,²⁹ showed himself more kindly toward the church than did his brother. The most liberal statement of church privileges in Normandy dates from the early years of his reign.³⁰ His gifts,³¹ both in life and in death,³² his crusade, perhaps more than all else his frequent participation in the services of the church,³³ bear witness that he treated it as something more than a mere source of revenue and a quarrelsome neighbor. Still, he treated the clergy upon conquered lands with violence.³⁴ He was not afraid to treat the bishop of Beauvais as a warrior when that prelate abandoned his episcopal character for martial deeds.³⁵ He taxed his own clergy in defiance of established custom.³⁶ When the question of the Norman defence was at stake he

would brook interference from no one. Château Gaillard was built on the land of the church and in the face of clerical opposition.³⁷

John was a different type of man, and he pursued a different policy. At times generous enough,³⁸ he usually looked upon the clergy as a part of the royal demesne, capable of almost unlimited exploitation upon need. He enriched himself from the revenues of vacant sees, and abused his rights of hospitality in the monastic houses.³⁹ Frankly contemptuous of the most sacred of religious rites, he set the key-note of his reign by scoffing at the ceremonies of his investiture; he habitually absented himself from mass.⁴⁰ Innocent III, his patience exhausted by insult heaped upon injury, wrote him a letter fairly bristling with indignation; its contents warrant the belief that John had gone out of his way to humiliate and disgrace his clergy.⁴¹

The question of free elections, as always, was the crucial point. Again and again John insisted upon what he deemed his prerogative, not hesitating to support with violence and a squad of cutthroats demands which he could obtain in no other way. If the conflict had been confined to Normandy, he would undoubtedly have overcome all opposition, for even Walter of Coutances never dared meet his monarch on this point, whether because of a guilty conscience, fear of expulsion from his chair, or other reasons, we know not. The church's contention, however, was a broad one, dear to her heart and fundamental to her very existence. Innocent III was its eager champion.

The essential viciousness of John, the stubborn resistance of the local clergy, the reliance of the provincial church upon the strong arm of the pope, all were clearly revealed time and again in the struggle, but they were displayed most forcibly in the disputed election of Séz of 1202-03, an event which was at once closely connected with the loss of Normandy and a vivid illustration of the spirit of the Norman clergy which made that event possible. A simple narrative will throw the underlying principles into clear relief.⁴²

Bishop Lisiard of Séz died in September in the year 1201, and the canons of the cathedral, before notifying the arch-

bishop of Rouen or the duke of his death, agreed among themselves, at a meeting of the chapter called by their prior, to elect as his successor one of their own number. The last two incumbents had alienated a large portion of the wealth of the church of Séez, and the canons thought that some one who had suffered because of the resulting poverty of the chapter would be more apt to bend his efforts toward the conservation of their remaining property than any other person whom they might elect.⁴³ They not only took solemn oath to carry out this decision but swore also to excommunicate any or all who should fail to do so.

These preliminary matters having been settled, the prior and two companions set out for Rouen to notify the archbishop and the duke of the vacancy in the see of Séez. They undoubtedly requested at the same time the usual permission to proceed to an election, but without success. Their return to Séez was followed almost immediately by the arrival of messengers from John with instructions for the chapter to elect the dean of Lisieux as their bishop.⁴⁴ Now the dean of Lisieux was a member of a family which the canons of Séez had reason to consider as their enemy;⁴⁵ the determination to elect their own candidate became even more fixed.

The royal messengers proposed as an alternative that the chapter should nominate six men, three of them to be outside the ranks of the clergy of Séez, the duke to choose one from the group for subsequent election. The chapter met and deliberated upon the proposition, but the five nominees upon whom they fixed were all members of the clergy of Séez and included the prior and Sylvester the archdeacon. In obedience to ducal summons, but with little enthusiasm, the prior and seven of the canons, armed with the full power of the chapter, went to Argentan to meet their sovereign.⁴⁶ The interview, as might have been expected, amounted to nothing. The delegates of the chapter insisted that the bishop-elect should be one of their number; John held out for his first choice, the dean of Lisieux.

It was evident by this time that there was destined to be a trial of strength between duke and chapter. For such a struggle

plenty of precedents were at hand in Norman history, and the annals of this diocese itself could supply several examples.⁴⁷ Five days after the return from Argentan ducal officials arrived with the obvious purpose of forcing the canons by violence to do the royal will. The prior instantly appealed to Rome. John answered by confiscating the cathedral treasure. He quartered his soldiers in the dormitories of the canons, evicted the families and servants of the canons from their dwellings in the vicinity of the chapter house, and took measures whereby the canons themselves could be starved into submission. The prior responded with all the devices at his disposal. He threw the entire diocese under the interdict, left a few canons to guard the cathedral itself, and led the rest, preceded by the cross, to a safe refuge in a neighboring monastery.

Such action was, of course, an insuperable obstacle to John's plans. He therefore instructed the archbishop to cause the canons to return in peace to their cathedral, and said that he had no further interest in the whole matter. The prior met him halfway by raising the interdict which he had placed upon the diocese.

In the early part of 1202, Walter of Coutances, archbishop of Rouen, took a hand in the matter by calling the Séez chapter to Rouen. He offered his advice for the settlement of their difficulties, but was forced to admit that he was unable to absolve them from their own oath. The prior and the larger part of the chapter actually elected R. du Mesle as bishop, but the archbishop either could not or would not confirm the election. The only alternative was an appeal to Rome, and the prior, accompanied by the elect and a few comrades, set out upon the long journey in order that they might plead their case in person before Innocent III.

Before they were beyond the boundaries of France they were overtaken by royal messengers with a new proposal. This time the duke wished them to elect Herbert, son of Ralph Labbé, a man well known to them and to all Normandy because of the high position and the oppressive actions of his father. They paid but scant attention to this final request of their duke and proceeded on their journey. As they were crossing the Alps,

however, the bishop-elect died, whereupon the prior and his companions held an election on the spot, naming this time the archdeacon Sylvester.

Meanwhile John was asserting his rights over the temporalities of the diocese.⁴⁸ In late February he caused the remaining canons to elect as their bishop Herbert, the son of Ralph Labbé.⁴⁹ No attempt was made to obtain archiepiscopal confirmation of the election, but Herbert and his party sent a rival deputation to Rome. At the same time, by threat of reprisals upon Italian merchants at the channel ports, John made it as difficult as possible for the prior and his companions to travel toward their goal.⁵⁰

In June, after some deliberation and a careful examination of the evidence presented, Innocent III decided in favor of the claims of Sylvester and confirmed his election. His opponents within the diocese, even including the rival bishop-elect, accepted this decision and apparently considered the incident closed, but John was in no mood to accept a papal decision, even in a matter which was so clearly within the papal jurisdiction. In August of the same year he still pretended to be ignorant of the pope's confirmation, and was at that time still attempting by threats the intimidation of the remnants of the Sééz clergy.⁵¹ He made a direct accusation of immorality against Sylvester, and forbade his prelates to consecrate as bishop a man so surely destined in his eyes to disgrace the entire church.⁵²

A letter from Innocent in the early part of 1203 brought him partially to his senses by recounting his offences against the church and informing him of the penalty which would be visited upon further delay in regard to the bishop of Sééz. Even then, however, John would not allow Sylvester to enter his diocese, although he did put a stop to any further persecution of its clergy. Innocent replied with a threat of the interdict over the whole of Normandy if within the space of one month Sylvester were not given his full rights. This did not produce immediate results, but in August Sylvester received a safe-conduct for a conference with the archbishop.⁵³ In October, with bad grace and admitting nothing, John at last

directed his seneschal that Sylvester should be admitted to the see in which he had long since been confirmed by the pope.⁵⁴ A more cogent reason, however, for abandoning the Séez affair than the threats of Innocent III was the outbreak of war with Philip Augustus. Indeed it is not at all sure that Sylvester actually succeeded in taking over the rights and duties of his office until the catastrophe of 1203-04 had made the duchy French.⁵⁵ At any rate, John gave the necessary orders; whether or not they were executed in the troublous days between October 1203 and the spring of 1204 is problematical.⁵⁶

The whole incident shows clearly the firm determination of John to submit to no interference in what he deemed his prerogative rights in regard to clerical elections. Here he was following the precedents of his ancestors.⁵⁷ It also shows the lengths to which he was willing to go in order to carry out his ideas. More important, it shows the character of the opposition that he was sure to meet. The Norman clergy not only had a lofty conception of their rights and privileges, but were ready to take up the fight in their own defence even if the archbishop was not. Experience had taught them that they could at least depend upon the constant support of the pope; they were as ready as he to use the final arguments of the church, interdict and excommunication, against the persecution of the secular authority. In 1104-05 the Norman clergy was of considerable aid in making the duchy English;⁵⁸ they saw no reason to exert themselves a century later to prevent it from becoming French.

A separate discussion might well be devoted to the theory and practice of the papacy, as exemplified by Innocent III and his relations with John and the Norman clergy. Tireless in his energy, no detail of church organization seems to have been small enough to escape his attention, while on the other hand he was engrossed in secular affairs with a thoroughness which would have required the exclusive attention of a man of lesser ability. It is a commonplace of historical knowledge that Innocent III had world-wide interests and that his voice was listened to with obedience in all parts of Christendom, but only the study of a collection of his correspondence can convey any

adequate idea of the extent of his activities and the minute detail of which his chancery was capable.⁵⁹

In the first place, he took an active part in the management of the province of Rouen, now directing the archbishop to extend his powers, now urging him to stand firm against his opponents. Sometimes it was the relation of bishop and chapter toward which he directed his attention;⁶⁰ again, it was the relative power of bishop and archbishop;⁶¹ at another time, it was the question of the general customs and efficiency of the church.⁶² Whatever the occasion, he always supported the clerical claims and power in the highest forms of their expression,⁶³ striving at the same time to maintain the episcopal system on which his own influence depended,⁶⁴ and to keep a watchful eye on the daily life and routine of the clergy.

In the second place, he endeavored to keep France and England at peace as long as possible, bending all available energy toward the restoration of peace the moment war actually broke out. In this connection he used the full power of the church, both for the purpose of making his own wishes known and in order to obtain a respectful hearing for his legates.⁶⁵ In attempting to settle the disputes of Philip and John and to prevent impending war between them, he made a sharp distinction between feudal law and a higher code of right and wrong, of which he considered himself the supreme administrator.⁶⁶ He nearly succeeded in establishing the papacy as an international tribunal by which the natural laws of justice might be administered for the growing states of Europe. With a few striking successes in the art of peace-making, Innocent III could have clothed his large concept of his office with a compelling reality which able successors to the papal throne could have made permanent. As it was, the experience of England showed the possibilities of papal interference in national affairs in the decade following the loss of Normandy. In connection with Anglo-French rivalry in Normandy, however, it can not be said that his efforts were followed by great results. War was in the air and neither of the secular princes concerned had any illusions as to the necessity of obeying the dictates of

Rome in such matters. Still the influence of Innocent was not negligible, and it was solidly for peace.

Finally, he was keenly interested in the prevention of secular oppression of ecclesiastical foundations and in the restoration to the church of the right of free election to ecclesiastical offices.⁶⁷

The relations between Innocent III and John were, on the whole, cordial,⁶⁸ whether because he loved John more or Philip Augustus less is not quite clear. He undoubtedly preferred to see John retain the possession of his hereditary lands on the continent. On at least one occasion he protected John's tenure by visiting ecclesiastical penalties upon all rebels.⁶⁹ In 1203, however, when the question became critical, the need of enlisting John's aid against the recalcitrant Philip was for the time being removed.⁷⁰ Furthermore, John's actions in the years immediately preceding had given too many indications of the sort of treatment at his hands which the church must continue to expect. By this time Innocent's letters to John had changed their tone. In the beginning they had been entirely friendly; later they became the admonitions of a father to a wayward son; by 1202-03, they were, as has been shown in the Sééz dispute, direct demands accompanied by threats.

When the crisis actually came, the mind of Innocent was apparently still open. He was content that the Norman clergy should let forces already in action take their normal course. The matter of secular allegiance may have seemed small to a man whose rule knew neither political nor geographical boundaries; ⁷¹ possibly he saw in the French solution of the Norman question the only avenue to peace.⁷² He wrote to the Norman clergy in answer to their request for advice as to the situation which confronted them, but the letter was wholly lacking in the decisiveness which habitually characterized his correspondence.⁷³ He professed inability to advise them concerning their allegiance, and left their future action to their own initiative. Perhaps he thought he could go no farther, in view of his recent support of John; at any rate he laid the burden of the decision upon the persons who alone could make it intelligently, men who were at the same time in such a position that he could not

effectively combat their judgment. No more striking indication of John's loss of prestige in the eyes of his clergy could be given than is contained in what appears to have been a complete and immediate change of loyalty on the part of a body of men who should have formed the most conservative element in the duchy. It is of additional significance that this action was carried out without the leadership upon which these same men were accustomed to rely.

A man whose connection with the Norman clergy and their royal master was even more intimate is to be found in Walter of Coutances, archbishop of Rouen.⁷⁴ Certainly the most able Norman prelate of the Plantagenet period, he had to be reckoned with in both church and state during the generation or more in which he occupied the archiepiscopal chair. English in origin,⁷⁵ he rose rapidly in the favor of the English kings and in the ranks of the clergy. Canon at Rouen, a clerk for both Henrys, chaplain and archdeacon in England, treasurer at Rouen, bishop of Lincoln, archbishop of Rouen, he was also upon occasion an envoy of his sovereign,⁷⁶ a crusader, a confounder of heresy,⁷⁷ and for three years chief justiciar⁷⁸ and acting chancellor of England. Furthermore, he was a scholar and a man of letters of more than ordinary distinction.⁷⁹

If he resembled Thomas Becket in his relations with the English king and in the zeal he displayed in the administration of his province,⁸⁰ he differed notably from that unfortunate prelate in his moderation at critical moments and in the success which seems always to have crowned his efforts. He allowed Richard to address him with a tone of authority that Becket would not have tolerated,⁸¹ yet he resisted the encroachments of both Philip Augustus and Richard, powerful kings as they were, with all the resources at his command.⁸² The circumstances in which he found himself may offer a partial explanation. On the one hand, Innocent III was always at his elbow with advice and encouragement.⁸³ Every assertion of his ecclesiastical power, every protest against secular aggression brought a confirmatory, if not an immediate, response from the pope.⁸⁴ On the other hand, inasmuch as Philip Augustus and Richard were continuously either at war or on the point of war, there

was always an opportunity for the exercise of skillful statesmanship, in the course of which the church might gain something. He did not hesitate to seek safety in flight when the forces of the opposition united, but he generally succeeded in exacting indemnities from both parties at a later date.

As primate of Normandy ⁸⁵ he exacted unquestioning obedience from his suffragans, ⁸⁶ held his canons to a strict accounting, ⁸⁷ and dealt effectively with the unruly burgesses of his cathedral city. ⁸⁸ He allowed ducal supervision of his court when it held pleas of the sword, and apparently without protest, ⁸⁹ but he secured from the duke in 1190 the most liberal statement of the privileges of the church to be found in this period. ⁹⁰ With the pope his relations were not always pleasant, but their only real difference was over the question of the transfer of a certain bishop-elect from one diocese to another, a question upon which the church law had never been determined. ⁹¹ In this episode he shared both the guilt and the punishment with the archbishop of Tours.

The relations between archbishop and duke were, on the whole, friendly. ⁹² He supported Richard against the intrigues of his brother, and was an active agent in the collection of Richard's ransom during the German captivity of that prince. His will reveals the fact that he himself contributed heavily to the necessary funds. ⁹³ He excommunicated the enemies of John after the latter's accession, ⁹⁴ though he assumed a neutral position in the final struggle.

On two occasions, however, he stoutly resisted what he deemed to be unlawful abridgment of his ecclesiastical functions. When he returned from Germany in 1195 he found that the document containing the terms of a peace just concluded between Richard and Philip Augustus awaited his seal. ⁹⁵ On examining its contents, he found a clause which would subject his further use of the interdict to the approval of a commission of four priests or deacons appointed for that purpose. ⁹⁶ It was an ingenious scheme, and similar to one which Walter himself approved in connection with the episcopal control of cathedral chapters, ⁹⁷ but it fell through. Walter would have nothing to do with the treaty, excommunicated all who had

any part in it, and retired to voluntary exile at Cambrai, with which church the church at Rouen had an agreement with a mutual provision for hospitality in such cases.⁹⁸ Both monarchs eventually gave up the scheme to which he objected, called him back virtually on his own terms, and granted him, with what grace they could muster, the indemnities which he demanded.⁹⁹

The other important occasion upon which Walter came into unpleasant relations with his ducal master concerned the erection of Château Gaillard.¹⁰⁰ The rock of Le Grand Andeli was situated upon an archiepiscopal manor. Because of its fortification by Richard, Walter threw all of Normandy under the interdict and appealed to Rome. He even went to Rome in person to plead his case.¹⁰¹ The pope, however, Celestine III, grasped more clearly than Walter the elements of the dispute. He held that Richard was justified in erecting necessary fortifications within the boundaries of his realm and advised Walter to settle the matter by arbitration.¹⁰² The pope removed the interdict and Walter proceeded to the most favorable bargain possible with Richard. He exchanged the rock of Le Grand Andeli for other lands which were distinctly more valuable, gaining nearly five hundred livres of revenue by the transaction.¹⁰³ Later, under John, the whole affair was reopened. John eventually confirmed the original grant and included the settlement of various minor differences between himself and Walter.¹⁰⁴ In both documents Walter gained more than he lost; in the latter case he was himself immensely pleased with the result.¹⁰⁵

The force of his defeat in the affair of Château Gaillard was considerably broken by an episode connected with it. The Norman clergy had supported Richard from the beginning, and Walter, upon his return from Rome, reckoned with them separately. They gave back their mitres and did penance for having refused to enforce the interdict which Walter had proclaimed. In the end he restored them to their sees in the midst of much pomp and ceremony and forgave their offence.¹⁰⁶

The activities of Walter of Coutances were everywhere accompanied by a liberal use of ecclesiastical penalties, especially

the interdict and excommunication. In this matter he can hardly be said to have exceeded his authority or to have differed from his colleagues in other parts of Europe, but the statistics are nevertheless impressive.¹⁰⁷ Indeed, the enforcement of the interdict tended always to be spasmodic and far from thorough. Even for the clergy its terms had to be somewhat relaxed; they celebrated mass in their empty churches, behind closed doors, with hushed voices, and with stilled bells.¹⁰⁸ This weapon was the most powerful in the papal arsenal; to use it frequently was almost inevitably to abuse it.¹⁰⁹ The history of England from 1204 to 1215 affords ample proof that it still retained force, but the loss of Normandy marks the formation of national states, and against the national state, even in its comparatively undeveloped thirteenth-century form, the interdict was destined to prove ineffective. The excessive use of this weapon by Walter of Coutances does not indicate lack of wisdom or squandering of the resources of the church;¹¹⁰ it does reveal the relationship then fast springing up between the church and the national states into which its territory was being divided.

In the great crisis of Norman history Walter does not seem to have been vitally interested or much disturbed.¹¹¹ A true mediaeval churchman, statesman, and scholar, a skilled administrator and a clever politician, despite the fact that his life had been the chief source of whatever unity the duchy possessed in the last two decades of English rule,¹¹² he took no active part in the event which must have appeared, even to him, a turning point in the fortunes of the land in which he lived. Having avoided nearly all connection with the Sééz dispute, he may have thought it unnecessary to take issue with John in the events which accompanied it. The pope and the Norman clergy were sufficiently aroused, and he may well have preferred the rôle of the neutral observer. On the other hand, he can not have been insensible to the issues at stake, and at bottom his sympathies were sure to be solidly with his clergy. He offered no opposition to the change. In any event the transfer of allegiance from one king to another can have assumed little importance in the eyes of a man who had defied each in turn, who already owed allegiance to both by the law

of the land, and by the custom of the church little real service to either.¹¹³

There is no evidence that the clergy of Normandy looked to Philip Augustus as a protector, but they could hardly fail to see that his professed attitude toward the church was infinitely superior to that taken by John. The actual treatment of the clergy by Philip in the conquered portions of Normandy may well have set them thinking.¹¹⁴ Normandy could have been saved only by a struggle, and the clergy saw no reason to exert influence in that direction. Even Innocent III saw that he could no longer guard John's continental dominions for him. His letter to the Norman clergy in connection with the loss of Normandy was devised to acknowledge a *fait accompli* without appearing to change front.¹¹⁵ He postulates in it a state of mind in the Norman clergy which was, if not favorable to Philip Augustus, at least highly antagonistic to John. One can assert with confidence that the Norman Church was an important factor in the complex situation which made the loss of Normandy inevitable; at the very least, the Norman Church willingly permitted that event to take place.

NOTES

1. The principal sources for the history of the Norman Church under Richard and John are to be found among the following: Appropriate volumes of the *Recueil des historiens des Gaules et de la France*, ed. Martin Bouquet, new edition by L. Delisle, Paris, 1869-1904 (cited as *H. F.*); *Gallia Christiana*, ed. P. Piolin, xi (Rouen), Paris, 1874; *Sacrorum Conciliorum Nova Collectio*, ed. J. D. Mansi, xxii, Venice, 1778; C.-J. Hefele, *Histoire des conciles d'après les documents originaux*, ed. H. Leclercq, Paris, 1915, v, 2; *Regesta Pontificum Romanorum*, ed. R. Jaffé, Berlin, 1851, also A. Potthast, Berlin, 1873, i; *Concilia Rotomagensis Provinciae*, ed. Bessin, Rouen, 1717; *Patrologiae Cursus Completus*, ed. J.-P. Migne, ccxiv-ccxvii (Letters of Innocent III); *Le cartulaire normand de Philippe-Auguste*, etc., ed. L. Delisle, in *Mémoires de la société des antiquaires de Normandie*, xvi, Paris, 1852; English chancery rolls, patent rolls, charter rolls, etc., see C. Gross, *The Sources and Literature of English History*, London, 1915; *Calendar of documents preserved in France illustrative of the history of Great Britain and Ireland*, ed. J. H. Round, i, *Rolls series*, London, 1899; *Historiae Normannorum Scriptores Antiquae*, ed. A. Duchesne, Paris, 1619; *Antiquus Cartularius Ecclesiae Baiocensis*, ed. V. Bourrienne, Paris, 1902-03 (cited as *Livre Noir*); and elsewhere, notably in the unpublished cartularies of Normandy, see H. Stein, *Bibliographie générale des cartulaires français*, Paris, 1907, for descriptions and repositories.

The Norman Church in the years immediately preceding 1204 has never been adequately studied. Incidental and scattered material may be found in F. M. Powicke, *The Loss of Normandy*, Manchester, 1913; Professor Haskins has dealt thoroughly with the Norman Church in the time of Henry II in his *Norman Institutions*, Cambridge, 1918, and has constructed a guide to the archive materials for the history of ducal Normandy (Appendix A) which is indispensable for all subsequent investigation. The *Histoire littéraire de la France*, Paris, 1733-1914, abounds in biographical material. One may also consult especially the following: A. Luchaire, *Innocent III, les royautes vassales du Saint-Siège*, Paris, 1908; H. Böhmer, *Kirche und Staat*, Leipzig, 1899; E. B. Krehbiel, *The Interdict*, Washington, 1909; K. Norgate, *John Lackland*, London, 1902; F. M. Powicke, "Archbishop of Rouen and Philip Augustus," *English Historical Review*, xxvii.

The relations of church and state in Normandy which arose from the special problem of the administration of justice have been separately studied in connection with the judicial institutions of the duchy on the eve of the French conquest, and are not dealt with in the present paper.

2. Powicke, 266, for the problem of ducal and archiepiscopal boundaries which did not coincide. The complications in time of hostilities, either secular or ecclesiastical, may be imagined.

3. This would have involved friendly relations with Innocent III, at whatever cost, and the rallying of the Norman baronage and church to the fight against the Frenchman by concessions and by popular leaders. It would have been a costly procedure for John, but both barons and clergy took as much or more by force a little later. The financial and military problems could not have been solved by this method, but their logical consequences could have been delayed.

4. A. Cartellieri, *Philipp II. August*, iii, Paris, 1910, pp. 57 ff.; R. Davidsohn, *Philipp II. August von Frankreich und Ingeborg*, Stuttgart, 1888.

5. Matthew Paris, *Chronica Majora*, *Rolls series*, 1874, ii, 484; *infra*, pp. 38 ff.

6. Philip Augustus could hardly have held these lands in the face of a concerted opposition on the part of both clergy and pope.

7. England did not become involved in the struggle with the pope until the disputed election at Canterbury in 1205, after the loss of the duchy.

8. Powicke, 169, for the sufferings of the church due to the Anglo-French wars in Normandy; also Round, No. 67; *Ymagines historiarum*, Ralph de Diceto, *Rolls series*, London, 1876, ii, 144, for effect of the wars upon Rouen. L. Delisle, *Étude sur l'agriculture et la classe agricole en Normandie*, Évreux, 1851, p. 631, asserts that war had been continuous in Normandy since the time of Stephen, the reigns of Richard and John being by far the worst; R. Genestal, *Rôle des monastères comme établissements de crédit; étudié en Normandie*, Paris, 1901, p. 196, for the sufferings of the abbeys as seen in their activities as credit agents.

9. John's interest in the business of government and his skill as an administrator are everywhere patent in the chronicles and chancery enrollments, yet both contemporaries and modern scholars have differed radically in their judgement of his ability as a ruler. Matthew Paris, ii, 478-479, *H. F.*, xvii, 260 ff., *H. F.*, xxiv, 761-762, and *Chronicon Anglicanum*, Ralph of Coggeshall, *Rolls series*, London, 1875, pp. 37-38, should be compared with Matthew Paris, ii, 481-482, 489, and Gervase of Canterbury, ii, 96, *Rolls series*. W. Stubbs, *Historical Introductions to the Rolls Series*, ed. A. Hassall, London, 1902, p. 251, for the classical denunciation of John; cf. J. R. Green, *History of the English People*, i, London, 1881, p. 230, for the opposing view. All will agree that he was essentially a poor leader.

10. Haskins, 189, 36 and note; cf. F. Senn, *L'institution des avoueries ecclésiastiques en France*, Paris, 1903, pp. 98-99; also F. Senn, *L'institution des vidamies en France*, Paris, 1907, pp. 96-99; A. Luchaire, *Manuel des institutions françaises, période des Capétiens directs*, Paris, 1892, p. 505. *Bibliothèque municipale de Rouen*, Ms. 1227, Cartulary of St. George of Boscher-ville, f. 82, gives a description of an impressive ceremony at the abbey on the occasion of the knighting of young William of the house of Tancarville. One suspects that the young knight may have considered himself as the especial protector of the family altar and the monastery which contained it.

11. *Historiae Ecclesiasticae*, Ordericus Vitalis, ed. A. Le Prévost, Paris, 1835-55, ii, 84.

12. Haskins, 154; Stubbs, *Introductions*, 251, Normandy was placed under the interdict in 1191 because the steward of the archbishop, his master being in England, would not admit papal legates without the royal consent.

13. Ordericus Vitalis, iv, 373. Henry I instructed the Norman clergy who were about to attend a council at Rheims not to bring any innovations into his lands.

14. Luchaire, *Manuel*, 274. Mansi, xxii, col. 591, for the clerical view of the right of free election; *Rotuli de Liberate*, ed. T. D. Hardy, London, 1844, p. 72, for the ducal view. Cf. P. Viollet, *Histoire des institutions politiques et administratives de la France*, Paris, 1890-1903, ii, 340-341.

15. Ordericus Vitalis, iv, 433-438, for a typical election of an abbot "with the consent" of the duke; J. F. Pommeraye, *Histoire des archevêques de Rouen*, Rouen, 1667, p. 375, for an election of 1183 "by order of the king"; *Rotuli Normanniae*, ed. T. D. Hardy, London, 1835, pp. 23-24, for direct orders in chancery for minor elections.

16. Haskins, 153; Luchaire, *Les royautés vassales*, 182 ff.; *Gallia Christiana*, xi, 483; Migne, ccxiv, col. 419.

17. Most historians have neglected to point out the importance of this event. Cf. Green, *History of the English People*, i, 178, with the contemporaneous account in the *Gesta Regis Henrici Secundi*, *Rolls series*, London, 1867, i, 31-32, and in the *Materials for the history of Thomas Becket*, *Rolls series*, London, 1885, vii, 513-516. The stage-setting was superb, as any visitor at Avranches even to-day will testify.

18. Pommeraye, *Archevêques*, 376; P. Chesnel, *Le Cotentin et l'Avranchin sous les ducs de Normandie*, 911-1204, Caen, 1912, pp. 59-63, 179-180.

19. Duchesne, 1056; N. Brussel, *Nouvel examen de l'usage générale des fiefs en France*, Paris, 1727, i, 282-283.

20. Ordericus Vitalis, iii, 312-314, iv, 448; Viollet, *Institutions*, ii, 345-349. The ducal possession of the regalia of the archbishop of Rouen, together with the clerical counter-claims, is of some interest; Duchesne, 1056; Pommeraye, *Archevêques*, 377-388; Brussel, i, 282-283; *Cartulaire normand*, No. 166; Bessin, ii, 33; Luchaire, *Manuel*, 49, 50.

21. William the Conqueror had degraded an archbishop of Rouen, Ordericus Vitalis, i, 184; members of the ducal household could not be excommunicated without the knowledge of the duke, Duchesne, 1060; Round, No. 1318.

22. Haskins, 37-38; Powicke, 93-98; E. Semichon, *La paix et la trêve de Dieu*, Paris, 1851, i, *passim*; Round, Nos. 290, 1318; A. Canel, *Le combat judiciaire en Normandie*, *Mémoires de la société des antiquaires de Normandie*, xxii, 579; Pollock and Maitland, *The History of the English Law*, Cambridge, 1898, i, 52.

23. Haskins, 35-36, 170-171, for Lillebonne; more generally, Ordericus Vitalis, ii, 306, 228; *Chronica*, Robert of Torigny, ed. L. Delisle, Rouen, 1872-73, i, 59, 64. All excommunicated persons were in the mercy of the duke for a year and a day, *Coutumiers de Normandie*, ed. E.-J. Tardif, Rouen, 1881, i, I, *Le Très Ancien Coutumier de Normandie*, c. 2.

24. Tardif, cc. 5-6; some cases were taken out of the ecclesiastical courts, especially cases in regard to dowry rights, mainly because of the complicated system of appeals in the clerical courts which delayed justice. Also Tardif, c. 2; L. Valin, *Le duc de Normandie et sa cour*, 912-1204, Paris, 1910, *pièces justificatives*, No. 281.

25. *Rotuli chartarum*, 1199-1216, ed. T. D. Hardy, London, 1837, p. 15; E. A. Pigeon *Le diocèse d'Avranches*, Coutances, 1888, ii, 324; E.-J. Tardif, *Étude sur les sources de l'ancien droit normand*, *Extrait du Congrès du Millénaire Normand*, Rouen, 1911, p. 5; A. Coville, *Les états de Normandie*, Paris, 1894, pp. 10-16, 247-256; Valin, 101, 104; the later difficulties of the French kings with the Norman bishops may have been due in part to this tradition of secular activity, C. Petit-Dutaillis, *Étude sur la vie et le règne de Louis VIII*, Paris, 1894, p. 408.

26. *Cartulaire normand*, No. 132; *H. F.* xxiii, 694; *Magni Rotuli Scaccarii Normanniae*, London, 1840-44, ed. T. Stapleton, ii, 296, 476, 547; some lands were not granted to churchmen on account of the kind of service required, Tardif, c. 48; the tendency to limit ecclesiastical exemptions can be seen in a document of 1204, Bessin, 102; the exemption was often of little use in an emergency, *H. F.* xxiv, *Preuves*, No. 22.

27. M. Rabasse, *Du régime des fiefs en Normandie au moyen-âge*, Paris, 1905, pp. 56-69; Chesnel, 205-206.

28. The ducal officers even paid tithes and fixed charges granted by barons on tolls which had subsequently come into the hands of the duke, Stapleton, i, pp. lxiv, cxviii, 8, 14, 17, 82; *Dialogus de Scaccario*, ed. A. Hughes, C. G. Crump, C. Johnson, Oxford, 1902, ii, c. 10. Typical gifts and exemptions: *Bibliothèque du chapitre de Bayeux*, Ms. No. 163, f. 19; exemption from the tallage of the king for the churches of Évreux, Archives of the Eure, G 123, No. 456; the acquisition of land by an abbey by paying a nominal sum to a Jewish creditor of the grantee, *ibid.* H 490; *ibid.* H 506; Bessin, 100; *Cartulaire normand*, Nos. 31, 46-47, etc.

29. His personal morals were typical of those of his father and brothers and will not bear investigation, Pigeon, *Avranches*, ii, 319-320.

30. Bessin, 90 ff.; Pollock and Maitland, i, 111; H. Brunner, *Die Entstehung der Schwurgerichte*, Berlin, 1872, p. 250.

31. Archives of the Calvados, H 2; *Cartulaire normand*, Nos. 31, 46-47; *Livre noir*, i, No. 20; Ms. Latin n. a. 1244 (*Bibliothèque nationale*), ff. 94, 101, 158, 163, 190, 214, 218, 278, 292, 390, 434; Ms. Lat. 1105, f. 26.

32. *Foedera, Conventiones, Litterae, etc.*, ed. T. Rymer, Record Commission, 1816, i, 74, for his testament.

33. Stubbs, *Introductions*, 320; Powicke, 157.

34. Migne, ccxiv, col. 415 (1198), col. 595 (1199); *Chronica*, Roger of Hoveden, *Rolls series*, London, 1868-71, iv, 19 (1197).

35. *H. F.* xvii, 178 (*Philippis*); Coggeshall, 77; Hoveden, iv, 21, 23, 40-42, 78-79; Cartellieri, iii, 18-19.

36. Viollet, *Institutions*, ii, 402-403.

37. *Infra*, p. 29. Diceto, ii, 111, for the not uncertain manner in which he informs the archbishop that royal writs are to be obeyed.

38. *Rotuli Chartarum*, 75-76, 100; Round, No. 257; Ms. Latin n. a. 1244, f. 160; Ms. Latin n. a. 1428, No. 66; Archives of the Eure, H 1264; Archives of the Manche, H 188; *ibid.* *Cartulary of Savigny*, f. 147; Archives of the Orne, H 928, No. cclxx; *Cartulaire de l'abbaye royale de Notre Dame de Bon-Port*, ed. J. Andrieux, Évreux, 1862, pp. 29-30.

39. Stapleton, ii, 547; *Rotuli Normanniae*, 34; R. N. Sauvage, *L'abbaye de Saint-Martin de Troarn*, Caen, 1911, pp. 64-65. He disregarded the compromise of 1190 (Diceto, ii, 86-88) and imposed a tallage upon ecclesiastical property, *Rotuli Normanniae*, 65.

40. Norgate, *John Lackland*, 62, 66; *Magna Vita S. Hugonis Episcopi Lincolnensis*, *Rolls series*, London, 1864, pp. 288-294.

41. Migne, ccxiv, cols. 1175-77: a list of John's offences as drawn up by Innocent III follows:

Preventing papal legates from travelling in Normandy.

Expulsion of the bishop of Limoges and seizure of his revenues.

Destruction of the church at Poitiers.

Prevention of elections in order to get the revenue of vacant sees.

Oppression of the canons of Séez and the continued non-admission of their bishop to the diocese.

That which you did at Coutances which you think we do not know.

The exile of the archbishop of York.

42. The best source for the whole affair of the disputed election of Séez of 1201-03 is the letter of Innocent III to the prior and canons of Séez in 1202, Migne, ccxiv, col. 1038 ff. This should be supplemented by various entries in the patent rolls, many of which are printed together as *pièces justificatives* for the only secondary account of any importance, Dom L. Guillouveau, *Revue catholique de Normandie*, xxv, (1916), 423 ff. This article is almost a literal translation of the principal documents; no attempt is made to put the events in their historical setting. Also see *Gallia Christiana*, xi, 691-692; Brussel, i, 285-286.

43. *Rev. cath. de Normandie*, xxv, 423, for list of alienations; *Gallia Christiana*, xi, 169, for list of possessions as confirmed by Innocent III in 1199. For documents concerning Lisiard, see Ms. Latin 11055, f. 119; Ms. Latin 11058, ff. 34-35, 43; *Bibliothèque municipale d'Alençon*, Ms. 190, *passim*; Archives of the Orne, H 1773. For donations to the church of Séez in the years 1190-1220, see Ms. Latin 11059, ff. 24-215, especially ff. 55-79; Ms. Latin 11058, *passim*. The successor to Lisiard made some alienations, Ms. Latin 5424, f. 119.

44. *Rotuli Litterarum Patentium*, ed. T. D. Hardy, London, 1835, p. 8.

45. Migne, ccxiv, col. 1041.

46. *Rot. Litt. Pat.* 6, for the safe-conduct of the prior and seven canons.

47. Chesnel, 168-180, lists the precedents; Luchaire, *Manuel*, 32, for the case of 1144 when ducal officials mutilated the bishop-elect at the instigation of Geoffrey.

48. *Rot. Litt. Pat.* 7.

49. *Ibid.*, 6, 8.

50. *Ibid.*, 8.

51. *Ibid.*, 16.

52. *Ibid.*, 13, 22, John writes to Rouen and Sens telling them of the measures taken against the clergy who tried to aid Sylvester. The last two letters are printed in the *Rev. cath. de Normandie*, xxv, 437, Nos. 7-8, but with erroneous dates.

53. *Rot. Litt. Pat.* 33.

54. *Rotuli de Liberate*, ed. T. D. Hardy, 1844, p. 72. The text of the writ is not without its interest. "Audivimus dici S. Sagiensem archidiaconum electum esse et consecratum non requisito assensu nostro, quod est contra dignitatem et libertatem nostram et terre nostre." He then provides that Sylvester shall be admitted within the diocese and for the indemnification of his clergy. "Nos siquidem loco et tempore domino Pape jus nostrum significabimus sicut alia vice significavimus et ab eo nobis justiciam fieri super hoc postulabimus secundum jus et dignitas nostra et antiqua et approbata nostri ducatus exigit consuetudo." John was not through with Innocent III at this point by any means. England was under the interdict in 1208; John was excommunicated in 1209; he surrendered to the pope in 1213.

55. We have several documents which Sylvester sealed as bishop in 1203, e.g. Ms. Latin, 11059, f. 90. *Inventaire sommaire des archives départementales, Orne, Série H*, ii (Alençon, 1894), ii, H 2162, mentions Sylvester as a bishop in the summary of a document of 1200. The real date of the document is 1205.

56. For the activities of Sylvester as bishop, see Ms. Latin 11059, ff. 24-215; Ms. Latin 10065, f. 79; Archives of the Calvados, H 117; Delisle, *Recueil de jugements de l'échiquier de Normandie*, Paris, 1864, pp. 263-264.

57. *Supra*, Nos. 12-15; Viollet, *Institutions*, ii, 341-342, for a similar contest of Louis VII and the chapter of Bourges; C. W. David, *Robert Curthose*, Cambridge, 1920, 154-155.

58. C. W. David, *Robert Curthose*, 156-157.

59. Migne, ccxiv-ccxvii; R. L. Poole, *Lectures on the History of the Papal Chancery down to the Time of Innocent III*, Cambridge, 1915.

60. Migne, ccxv, col. 1480; *ibid.*, ccxiv, col. 549; *ibid.*, ccxv, col. 254, where five canons are to mediate between bishop and chapter. The latter sounds very much like the four priests of the treaty of 1195, *infra*, p. 28.

61. Bessin, 101.

62. Migne, ccxiv, cols. 222, 497, 868, 180; *ibid.*, ccxv, col. 269; *Livre noir*, ii, No. 327; Bessin, ii, 39.

63. Migne, ccxiv, col. 352; the *Livre noir* abounds in papal directions to the clergy of Bayeux to keep up their claims, e.g., Nos. clviii, clxii, clxiii, clxiv, clxv, cxcii, cxcv, cxcviii.

64. For instructions to bishops, Migne, ccxiv, cols. 196, 222, 195; Bessin, 101, "ab uno episcopo excommunicatus, ab aliis pariter est vitandus; et ad episcopum suum remitti absolvendus." For letters upholding the powers of a bishop, see Bessin, ii, 525-526.

65. A whole group of letters is devoted to the affairs of the various peace embassies, of which that of the abbot of Casamare in 1203-04 was the most important; Migne, ccxv, cols. 176, 181, 182, 329, 425; Hefele, v, 2, pp. 1230-1231; Mansi, xxii, 745-750.

66. Migne, ccxv, col. 182, and *ibid.*, col. 176, where he claims to settle the disputes of John and Philip Augustus, not "de jure," but "de peccato." Also see Viollet, *Institutions*, ii, 278-279; J. N. Figgis, *Studies of Political Thought from Gerson to Grotius*, Cambridge, 1907, pp. 4, 230; *Magna Carta Commemoration Essays*, 1917, pp. xxvii-xxviii, 26 ff. (G. B. Adams, *Innocent III and the Great Charter*).

67. Migne, ccxv, cols. 562, 831, 839, 1043-44, 1048, 1208.

68. Innocent also befriended Richard, Cartellieri, iii, 171; he saw to it that his widow got her dowry from John (no trivial accomplishment), Migne, ccxv, cols. 220, 1537.

69. Migne, ccxiv, col. 984.

70. French bishops were present in Rome in 1203-04 to plead the cause of Philip Augustus; neither English nor Norman prelates were sent to present John's case, Hefele, v, 2, pp. 1230-1231.

71. Philip Augustus seems to have been the only participant in the events of 1203-04 who properly appreciated their importance.

72. He was under no illusions as to the suffering of the church in time of war, Migne, ccxv, col. 64.

73. *Ibid.*, ccxv, col. 564.

74. For the importance of the archbishop in Norman history, H. Prentout, *La Normandie*, Paris, 1914, p. 58; Tardif, *Sources*, 26.

75. Pommeraye, *Archevesques*, 373; L. Delisle, *Recueil des actes de Henri II*, Paris, 1909, introduction, 106; cf. *Histoire Littéraire*, xvi, 536, which argues for French origin.

76. *Histoire Littéraire*, xvi, 541-544; *Gallia Christiana*, xi, 52-54; Diceto, ii, 125 (the great friendship of Walter and the emperor), 112, 158.

77. *Histoire Littéraire*, xvi, 541.

78. Diceto, ii, 90, 112; he also held pleas in Wiltshire as late as 1203-04, Public Record Office, Pipe Roll No. 50 (1203-04), membrane 19. Stubbs, *Introductions*, 246, does not estimate the abilities of Walter very highly; see also Delisle, *Henri II*, 106 ff. for his activities in England.

79. *Histoire Littéraire*, xvi, 555-560, for a list of his writings. For additional biographical material, see *Dictionary of National Biography*; Pommeraye, *Archevesques*, 373-438; T. Bonnin, *Cartulaire de Louviers*, i, 13, Nos. 5 ff. (Paris, 1870-83).

80. Powicke, 175, suggests that Walter was one of the founders of the Gallican liberties. The comparison with Becket cannot be pushed too far.

81. Ms. Latin n. a. 1244, f. 398, Richard tells him that he will evict him from his lands and take over all his revenue if the archbishop will not consent to act as a pledge for his peace with Philip Augustus; see also Diceto, ii, 111.

82. Yet the "Stabilimentum" of 1205 (Duchesne, 1059-61) slows Walter allowing ducal restrictions upon the courts Christian which should have caused the opposition of a less energetic man. Cf. W. Stubbs, *Select Charters*, Oxford, 1913, p. 161, c. 3 (Constitutions of Clarendon). This seems to reopen the old question as to just what Becket objected to in the latter document and with what right.

83. Migne, ccxiv, cols. 93, 195, 205, 219, 222; Mansi, xxii, 620; *Gallia Christiana*, xi, 58; Archives of the Seine-Inférieure, G 1119.

84. Migne, ccxiv, col. 219, where the reply was delayed some two years.

85. Archives of the Seine-Inférieure, G 3593, for bull of Eugenius III confirming the primacy of Normandy to Rouen; cf. Viollet, *Institutions*, ii, 320.

86. *Histoire Littéraire*, xvi, 551; Krehbiel, *Interdict*, 20-21.

87. Archives of the Seine-Inférieure, G 3706, a letter to the canons thanking them for their aid in the defence of the property of the cathedral.

88. A. Cheruel, *Histoire de Rouen*, Rouen, 1843, i, 40-54; *Gallia Christiana*, xi, 53-54; Round, Nos. 64, 65, 67.

89. *Rotuli Normanniae*, 3; cf. *supra*, note No. 82.

90. Mansi, xxii, 582-586, and elsewhere with varying dates; Pommeraye, *Archevesques*, 384-388, gives 29 canons in place of the usual 32.

91. The question was that of the transference of a bishop-elect from one diocese to another, a right which the pope claimed as his exclusive privilege at this time; Bessin, ii, 368; *H. F.* xix, 361-374; Pigeon, *Avranches*, ii, 332; Luchaire, *Manuel*, 47.

92. Walter was able to place some of his relatives in high office; *Gallia Christiana*, xi, 146, for Sanson, abbot of Caen and continuously in charge of the exchequer in this period.

93. *H. F.* xix, 334-335.

94. Migne, ccxiv, col. 984.

95. *Gallia Christiana*, xi, 54; Diceto, ii, 135–137; *Epistolae*, Peter of Blois, ed. J. A. Giles, Oxford, 1846–47, Nos. 124–125; Cartellieri, iii, 124–125.

96. Powicke has put a great deal of emphasis upon this episode in an article in the *English Historical Review* (xxvii) under title ‘Philip Augustus and the Archbishop of Rouen,’ but the same material may be found in the *Histoire Littéraire*, xvi, 545–546.

97. Migne, ccxv, col. 255.

98. *Gallia Christiana*, xi, 55; Cheruel, *Rouen*, i, 52; Archives of the Seine-Inférieure, G 3678; cf. Round, No. 389.

99. Migne, ccvii, col. 369; Peter of Blois, *Epistolae*, No. 138.

100. *Rotuli Normanniae*, 1–2; *Rotuli Chartarum*, 59, 69; Diceto, ii, 148–158; Hoveden, iv, 16–19, 125; *Cartulaire Normand*, Nos. 45–46; also Powicke, 172–173, for the literature of the subject.

101. Matthew Paris, ii, 120.

102. Hoveden, iv, 17–18.

103. Pommeraye, *Archevêques*, 425, gives the text of the inscriptions which Walter had placed upon the crosses set up to mark the new boundaries of his lands. It begins with the phrase “Vicisti, Galtère, tui sunt signa triumphi,” and then proceeds to a metrical enumeration.

104. Great care was taken in the drawing up of these documents. Walter, Richard, John, Philip Augustus, Celestine III, and Innocent III all sealed the final document. John’s confirmation gives up to Walter the disputed points in a number of minor differences between them, but he retained judicial rights, especially the control of the pleas of the sword when held in the primate’s court. This confirmation is at once one of the most important and one of the most puzzling of our sources of information concerning the administration of justice in the duchy in this period.

105. Diceto, ii, 157.

106. Peter of Blois, *Epistolae*, No. 138, for a letter of congratulation elicited by the event.

107. Krehbiel, *The Interdict*, 86 ff. There were twenty-seven threats of the interdict between 1198 and 1216, and seven of them concerned John. There were seventy-five local general interdicts between the fourth century and 1159 and fifty-seven between 1198 and 1216. The secular powers had some protection against the indiscriminate use of the interdict and of excommunication. Mansi, xxii, 620; *H. F.* xvii, 51.

108. Mansi, xxii, 616; Ms. Latin 5423; f. 61, “. . . clausis januis, exclusis excommunicatis et interdictis, non pulsatis campanis, suppressa voce, . . .”

109. The enforcement of the interdict could be real enough on occasion, Hoveden, iv, 16.

110. Other prelates in Normandy also used the interdict rather widely; Archives of the Orne, H 2162, for Sylvester of Séez; *ibid.*, H 2156; other examples may be found in the other dioceses, e.g., Archives of the Manche, H 429; Archives of the Eure, G 122; Archives of the Seine-Inférieure, G 1118; *Cartulaire de Bon-Port*, ed. Andrieux, 44, No. xliii.

111. A. Poignant, *Histoire de la conquête de la Normandie par Philippe Auguste en 1204*, Paris, 1854, pp. 112–113, 158, thinks that Walter was not in Rouen when the city capitulated in 1204.

112. Walter occupied the archiepiscopal chair for twenty-two years.

113. After 1204 Walter makes few appearances in the records. He invested Philip Augustus with the duchy, his third performance of that ceremony. He made no objection to the inquest of 1205, although a clause was included which prohibited the excommunication of members of the ducal household without ducal consent; Henry II and Becket had fought over a similar clause forty years before. In 1207 he asked Philip Augustus for a new procedure for the determination of the ownership of presentations, and received it. He died in 1207. Peter of Blois, *Epistolae*, No. 448 and *Histoire Littéraire*, xvi, 554-555, for eulogies: Pommeraye, *Archevesques*, 438, prints some of the inscriptions inspired by his death.

114. *Cartulaire normand*, Nos. 1066, 1068-69, 59, 64-65, for gifts of new privileges to the Norman clergy; Powicke, 385, for their effect upon Rouen. *Cartulaire normand*, Nos. 1064, 55, 61, 294-295, for specific grants of the right of free election, but see Petit-Dutaillis, *Louis VIII*, 406, who thinks that he merely meant that elections should take place in accordance with the usual forms. The whole question of the relations between Philip and the Norman clergy in the year of the conquest and in the years immediately following needs further investigation.

115. Migne, ccxv, col. 564.